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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 LARRY HEGGEM,

8 Plaintiff,

9 v.

10 SNOHOMISH COUNTY, *et al.*,

11 Defendants.

Case No. C10-1724RSL

ORDER DISMISSING ACTION

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13 This matter comes before the Court on the Report and Recommendation of the Honorable
14 James P. Donohue, United States Magistrate Judge. Dkt. # 45. Plaintiff filed a number of
15 documents after the Report and Recommendation issued, but none of them addresses the factual
16 and legal deficiencies identified by Judge Donohue. Most simply restate plaintiff's denial of
17 medical care claim and/or provide more recent examples of injuries and conditions that have
18 gone untreated. See Dkt. # 48, 50, 54, and 57. Judge Donohue already gave plaintiff two
19 opportunities to amend his complaint to correct fatal deficiencies in the denial of medical care
20 claim: plaintiff was unable to do so in a timely manner, and the additional allegations contained
21 in these late-filed documents, even if considered on substantively, cannot save the Third
22 Amended Complaint.

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ORDER DISMISSING ACTION - 1

1 Some of plaintiff's recent submissions appear to raise new causes of action. Docket # 58,
2 for example, contains an assertion that "they illegally returned my U.S. mail to your court."¹
3 Although prison programs or policies that hinder an inmate's efforts to pursue a legal claim may
4 violate the constitutional right of access to the courts (see Lewis v. Casey, 518 U.S. 343, 351
5 (1996)), such a claim was not properly asserted in this litigation. Plaintiff may choose to file a
6 new lawsuit regarding the jail's mail policies, but he cannot insert a new claim under this cause
7 number simply by mentioning it in one of his many post-pleading submissions.

8 Having reviewed the Report and Recommendation and the remainder of the record, the
9 Court does hereby find and ORDER:

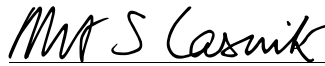
10 (1) The Court adopts the Report and Recommendation.

11 (2) Plaintiff's third amended complaint (Dkt. # 30) and this action are DISMISSED
12 without prejudice for failure to state a claim upon which relief may be granted.

13 (3) Plaintiff's requests for injunctive relief (Dkt. # 44, 48, 50, and 57) are
14 STRICKEN as moot.

15 (4) The Clerk is directed to terminate this action pursuant to 28 U.S.C.
16 § 1915(e)(2)(B)(ii), to count this as a dismissal under 28 U.S.C. § 1915(g).

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18 Dated this 29th day of September, 2011.

19 
20 ROBERT S. LASNIK
21 United States District Judge

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23 ¹ The docket in this matter indicates that at least one order (Dkt. # 53) was returned by the jail with a notation of
"Paper Restriction." See Dkt. # 56.